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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

ESTATE OF EDMOND A. GOREK AND
MARGUERITE M. GOREK, as EXECUTRIX OF
THE ESTATE OF EDMOND A. GOREK,

Defendants.

Adv. Pro. No. 10-04623 (SMB)

STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Estate of Edmond A. Gorek (the “Estate”) and Marguerite M. Gorek, as Executrix of the Estate of Edmond A. Gorek (the “Executrix”) (“Defendants”), by and through their counsel, Day Pitney LLP, hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed the Complaint against NTC & Co. LLP (“NTC”), as former custodian of an Individual Retirement Account for the benefit of Edmond A. Gorek, and Edmond A. Gorek (“Dr. Gorek”). (Dkt. No. 1.)

2. NTC was dismissed as a defendant pursuant to a Stipulation and Order for Voluntary Dismissal of NTC & Co. LLP Without Prejudice filed May 11, 2011. (Dkt. No. 9.)

3. Counts Two through Six of the Complaint were dismissed pursuant to an Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss filed July 16, 2015. (Dkt. No. 40.)

4. On August 14, 2015, Dr. Gorek filed an Answer and Affirmative Defenses to the Complaint. (Dkt. No. 41.)

5. Dr. Gorek died on November 18, 2016.

6. On December 13, 2017, a Stipulation and Order for Substitution of Defendant was filed substituting the Estate and Executrix as defendants in place of Dr. Gorek. (Dkt. No. 50.)

7. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181 in Adv. Proc. No. 08-01789 (SMB)], the Trustee, and Defendants entered into a Settlement Agreement and Release as of February 22, 2018.

8. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding with prejudice and without costs.

9. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

10. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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SIGNATURE PAGE TO FOLLOW]

Dated: March 8, 2018

Of Counsel:

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By: *s/ Nicholas J. Cremona*

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Attorneys for Defendants

SO ORDERED

Dated: March 8, 2018
New York, New York

/s/ Stuart M. Bernstein

HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE